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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,553	07/24/2003	Anthony Ross	044RE1	3530

30328 7590 01/30/2007  
JONATHAN SPANGLER  
NU VASIVE, INC.  
4545 TOWNE CENTRE COURT  
SAN DIEGO, CA 92121

EXAMINER
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PHILOGENE, PEDRO

ART UNIT	PAPER NUMBER
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3733

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/30/2007	PAPER

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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10/627,553

EXAMINER

PEDRO PHILOGENE  
PRIMARY EXAMINER

ART UNIT

PAPER

20070117

DATE MAILED:

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**Commissioner for Patents**

As stated in 37 CFR 1.176(b), the examiner is not permitted to require restriction among original claims of the patent (i.e., among claims that were in the patent prior to filing the reissue application). Even where the original patent contains claims to different inventions which the examiner considers independent or distinct, and the reissue application claims the same invention, a restriction requirement would be improper. If such a restriction requirement is made, it must be withdrawn. Therefore, applicant is invited to resubmit the original and new claims 1-24 as presented at the filing date 7/24/03 for prosecution. A shortened statutory period for reply to this action is set to expire one month from the mailing date of this action. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pedro Philogene whose telephone number is (571) 272-4716. The examiner can normally be reached on Monday to Friday 8:00 AM to 4:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eduardo Robert can be reached on (571) 272-4919. The fax number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for Published applications may be obtained from either Private PAIR or Public PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Pedro Philogene  
January 17, 2007

*Pedro Philogene*  
PEDRO PHILOGENE  
PRIMARY EXAMINER